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U.S. House of Representatives
Statement on S.2325
Northern Mariana Islands U.S. Workforce Act
Senate Energy and Natural Resources Committee
February 6, 2018

Thank you, Chairman Murkowski, Ranking Member Cantwell, for today's hearing on S. 2325, the Northern Mariana Islands U.S. Workforce Act.

I introduced the same bill, H.R. 4869, in the House of Representatives and we are looking at a hearing at the end of the month.

My hope is the Senate will act so quickly that our hearing in the House can actually take up Chairman Murkowski's S. 2325.

There is urgent reason to act.

On April 1, the window opens to apply for foreign labor permits for fiscal 2019. USCIS has cut the permit cap in half, 5,000 below this year, and will close the window as soon as enough applications are received. This year, the window closed in just 11 days.

Cutting the prospective foreign workforce in half will have an immediate, profoundly negative impact on the Marianas economy, which is now flush with growth after many years of decline.

But Congress works well, working against a deadline. And I believe we can move quickly now.

Because the U.S. Workforce Act is the product of a bicameral, bipartisan congressional working group. And because the bill centers on two policy goals that should find broad agreement in Congress:

- 1) that the Marianas economy should have the labor needed to continue development, and
- 2) that the labor force should increasingly be composed of U.S. workers.

To provide the necessary labor the bill extends the current transition period for another ten years and resets the permit cap to last year's level of 13,000.

To incentivize hiring U.S. workers the bill reduces the cap by 500 per year.

To further protect U.S. workers the bill requires the U.S. Department of Labor to certify the need for any new foreign workers and certify they will not pull down the wages of U.S. workers.

And to help make U.S. workers more employable the bill increases the annual fee paid by employers to fund apprenticeships and vocational programs, and requires an annual spending plan with specific job placement targets, plan approval by U.S. Labor, and performance reports.

Of course, another way to get U.S. workers is to look to the mainland U.S. — or to Hawai'i and Alaska. Chairman Murkowski, I know you have native corporations, who do construction and are always looking for opportunities along the Pacific Rim. I hope the Governor will look to Alaska for roads and other infrastructure projects the Commonwealth is building.

The U.S. Workforce Act, also, requires periodic touchback in their home country by foreign workers to reaffirm their nonpermanent, nonimmigrant status.

At the same time, the bill protects those foreign workers.

When I testified here last year federal agencies — OSHA, Labor’s Wage and Hour Division, DOJ, and Immigration— had recently found serious violations of federal law at a major Chinese casino project in the Marianas.

Also last year, DOJ successfully prosecuted multiple businesses that were fronts for illegal recruitment and contracting schemes — what I would call human trafficking.

The U.S. Workforce Act tackles those problems head on.

From now on, employers must present evidence to federal agents — every three months — that foreign workers are being paid and all terms and conditions of employment are being met. And employers who are in breach of federal or Commonwealth labor laws — or not using their permits — will have them revoked, so legitimate businesses can have those permits.

Of course, we may have some fine-tuning to do.

We will be meeting with Homeland Security in the next few days and the Labor Department.

But in all, we have a good bill.

We wanted to be sure the economy would have workers. Our bill does that.

We wanted to be sure that more Americans would be getting jobs. Our bill does that, too.

Once again, I thank you, Chairman Murkowski and Ranking Member Cantwell, and all the members of our congressional working group.

Today, it seems, we live in an age of division.

But this bill reminds us — with effort and good will — agreement is within our reach.

And, of course, Chairman Murkowski, you and I share the experience of working successfully together, as we did:

- on the transfer of submerged lands in the Marianas in 2013,
- the Rota Park study in 2014,
- extending the labor transition period from 2014 to 2019, and, last year,
- on H.R. 339, my bill barring the use of CW permits for new construction workers.

None of that legislation was easy.

And the U.S. Workforce Act may be the most difficult of all.

But I look forward to continuing to work with you.

I am confident we can be successful again.